

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:

THOMAS JAMES EDWARD SOUL,
DEBTOR.

CHAPTER 13
CASE NO. 1-19-01456

PNC BANK NA,
MOVANT,

V.

THOMAS JAMES EDWARD SOUL,
DEBTOR

CHARLES J. DEHART, III,
TRUSTEE

**DEBTOR'S ANSWER TO PNC BANK'S MOTION TO DISMISS CASE
PURSUANT TO 11 USC 1307(C)**

AND NOW, this 12th day of May, 2019, comes the above Debtor, by his counsel, Sara A. Austin, Esq., **Austin Law Firm LLC**, and does file the within Answer as follows:

1. This paragraph sets forth legal conclusions to which no response is necessary.
2. Admitted.
3. This paragraph sets forth a legal conclusion to which no response is necessary.
4. No response required; any document filed of record speaks for itself.
5. No response required; any document filed of record speaks for itself.
6. No response required; any document filed of record speaks for itself.
7. No response required; any document filed of record speaks for itself.

8. No response required; any document filed of record speaks for itself.
9. No response required; any document filed of record speaks for itself.
10. No response required; any document filed of record speaks for itself.
11. Admitted.
12. Admitted.
13. No response required; the docket in the referenced case speaks for itself.
14. No response required; the docket in the referenced case speaks for itself.
15. Admitted in part, denied in part. It is admitted that the schedules, statements, and Plan have not yet been filed in this case. It is denied that the deadline for same has passed given the Court's extension for same until May 16, 2019.

16. Denied. Debtor paid in \$12,125.00 during the pendency of his 2014 Chapter 13 case. Further, Debtor paid in \$11,250.00 during the pendency of his 2017 Chapter 13 case.

17. Demurrer. Debtor is unaware of the costs incurred by Movant and so demurs to the allegations in this paragraph.

18. Denied.
19. No response required; the statute speaks for itself.
20. No response required; the statute speaks for itself.
21. This paragraph sets forth a legal conclusion to which no response is necessary.
22. This paragraph sets forth a legal conclusion to which no response is necessary.
23. Non-waiver language; no response required.

WHEREFORE, the Debtor respectfully requests that this Honorable Court enter an Order denying and dismissing the Motion to Dismiss, and for such other relief as may be just and proper.

Respectfully submitted,

AUSTIN LAW FIRM LLC

By: /s/ Sara A. Austin _____

Sara A. Austin, Esquire
Supreme Court I.D. No. 59052
226 East Market Street
York, PA 17403
(717) 846-2246
Counsel for Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 12, 2019, a true and correct copy of the foregoing Motion filed in the above-captioned matter was or will be served electronically on the following:

Ch. 13 Trustee

James C. Warmbrodt, Esq., Movant's counsel

/s/ Sara A. Austin _____
Sara A. Austin, Esquire